

LSA Document #08-764 (Antidegradation)
MaryAnn Stevens, Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Ave.
MC 65-41
Indianapolis, Indiana 46204-2251

OFFICIAL COMMENT

Fax: (317) 233-5517

Indiana please improve the proposed antidegradation rule to fully protect Lake Michigan

Comment on a federally mandated water quality rule proposed for Indiana, which still falls short of protecting Lake Michigan. Introduced in 2008 and since vetted at four public meetings, the draft rule contradicts the Intent of federal antidegradation laws, which are meant to protect water quality while working to comply with existing standards.

Instead, Indiana's rule would trigger an antidegradation review only when a new or increased discharge would increase the level of a pollutant to the degree it poses a potentially "detrimental effect" on lake uses.

Other concerns:

- * The rule includes several unjustified exemptions, and excludes phosphorus, sediment and other key pollutants for which no thresholds exist from protective provisions -- even though these pollutants are known to harm water quality.
- * The rule exempts so-called "de minimis" -- or low-level -- new pollution discharges from a federal requirements that the pollution is a necessary byproduct of important local economic or social benefit.

The result: Using the methods proposed in the draft rule, state regulators could permit multiple new low-level discharges of a pollutant that together have a significant cumulative impact on Lake Michigan's water quality, without any evidence that the additional pollution is justified.

The Alliance is working with a coalition of groups in Indiana to strengthen the federally mandated rule, which sets a limit for how much new pollution can be discharged to Lake Michigan and other waterways in the state.

Lake Michigan deserves the highest level of protection from new or increased pollution. Indiana's proposed rule must be strengthened to protect water quality as the Clean Water Act intended.

Sincerely,

Ada Southerland